

1                   A bill to be entitled  
2           An act relating to firearms; creating s. 768.38, F.S.;  
3           providing legislative intent; requiring a business,  
4           organization, or entity that prohibits a concealed  
5           weapon or firearm licensee from carrying a weapon or  
6           firearm onto its property to assume certain  
7           responsibility for the safety and defense of such  
8           licensee; providing that the responsibility of such  
9           business, organization, or entity extends to the  
10          conduct of certain people and animals; providing a  
11          cause of action for a concealed weapon or firearm  
12          licensee who incurs injury, death, damage, or loss as  
13          the result of certain acts or attacks occurring on the  
14          property of such business, organization, or entity or  
15          on other specified properties; authorizing a licensee  
16          to recover attorney fees and specified costs;  
17          specifying a statute of limitations for bringing such  
18          action; requiring a business, organization, or entity  
19          with such prohibition to clearly display specified  
20          information; specifying requirements that a plaintiff  
21          must prove to prevail in a cause of action; providing  
22          an effective date.

23  
24   Be It Enacted by the Legislature of the State of Florida:  
25

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26 Section 1. Section 768.38, Florida Statutes, is created to  
27 read:

28 768.38 Responsibility of property owner.-

29 (1) The Legislature intends to find a balance between the  
30 right of a concealed weapon or firearm licensee to carry a  
31 concealed weapon or firearm in order to exercise the right of  
32 self-defense and the right of a property owner or entity in  
33 charge of a property to exercise control over such property.

34 (2) A business, organization, or entity, including, but  
35 not limited to, a private business or a not-for-profit entity,  
36 which prohibits a concealed weapon or firearm licensee from  
37 carrying a weapon or firearm onto the property of such business,  
38 organization, or entity assumes absolute custodial  
39 responsibility, when the licensee is prevented from carrying a  
40 weapon or firearm due to the prohibition, for the safety and  
41 defense of the licensee against any unlawful or reckless act by  
42 another person, or any attack by a vicious or wild animal, on  
43 the owner's property or on any property that the licensee is  
44 required to traverse in order to travel to and from the location  
45 where the licensee's weapon or firearm is stored.

46 (3) The responsibility of the business, organization, or  
47 entity for the safety and defense of a licensee under this  
48 section extends to the conduct of other members of the public;  
49 trespassers; employees of the business, organization, or entity;  
50 vicious animals; or wild animals.

51       (4) (a) A concealed weapon or firearm licensee who suffers  
52 bodily injury or death, incurs economic loss or expense, or  
53 incurs property damage or any other compensable loss as the  
54 result of an unlawful or reckless act by another person, or an  
55 attack by a vicious or wild animal, occurring on the property of  
56 such business, organization, or entity, or on any property that  
57 the licensee is required to traverse in order to travel to and  
58 from the location where the licensee's weapon or firearm is  
59 stored, while the licensee is prevented from carrying a weapon  
60 or firearm due to a prohibition by the business, organization,  
61 or entity has a cause of action against the business,  
62 organization, or entity. In addition to damages, the licensee is  
63 entitled to reasonable attorney fees, court costs, expert  
64 witness costs, and other costs necessary to bring the cause of  
65 action.

66       (b) The statute of limitations for such an action is 2  
67 years after the date of the occurrence giving rise to the  
68 injury, death, damage, or loss.

69       (5) A business, organization, or entity that prohibits a  
70 concealed weapon or firearm licensee from carrying a weapon or  
71 firearm on its property must clearly display, along with any  
72 image or language of prohibition, notice that the licensee is  
73 under the custodial responsibility of the business,  
74 organization, or entity.

75       (6) To prevail in an action brought under this section,

76 | the plaintiff must show by a preponderance of the evidence all  
 77 | of the following:

78 | (a) The plaintiff had a license to carry a concealed  
 79 | weapon or firearm under s. 790.06 at the time of the incident  
 80 | giving rise to the action.

81 | (b) The business, organization, or entity prohibited the  
 82 | plaintiff from carrying a concealed weapon or firearm on the  
 83 | property of the business, organization, or entity.

84 | (c) The business, organization, or entity was not required  
 85 | to prohibit the carrying of a concealed weapon or firearm on its  
 86 | property pursuant to state or federal law.

87 | (d) The plaintiff suffered bodily injury or death,  
 88 | incurred economic loss or expense, or incurred property damage  
 89 | or any other compensable loss as the result of an unlawful or  
 90 | reckless act by another person, or an attack by a vicious or  
 91 | wild animal, occurring on the property of such business,  
 92 | organization, or entity, or on any property that the licensee  
 93 | was required to traverse in order to travel to and from the  
 94 | location where the licensee's weapon or firearm was stored,  
 95 | while the licensee was prevented from carrying a weapon or  
 96 | firearm due to the prohibition by the business, organization, or  
 97 | entity.

98 | (e) Such injury, death, loss, expense, or damage resulted  
 99 | directly or indirectly from an unlawful or reckless act by  
 100 | another person, or from an attack by a vicious or wild animal,

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101 | which could reasonably have been prevented but for the  
102 | prohibition by the business, organization, or entity.

103 |       Section 2. This act shall take effect July 1, 2017.